

## LEGISLATIVE BILL 422

Approved by the Governor May 22, 1975

Introduced by Cavanaugh, 9

AN ACT to amend sections 71-1,132.04 to 71-1,132.08, 71-1,132.11, 71-1,132.12, 71-1,132.14 to 71-1,132.16, 71-1,132.20, 71-1,132.27, 71-1,132.29, 71-1,132.30, and 71-1,132.35, Reissue Revised Statutes of Nebraska, 1943, and sections 71-1,132.13 and 71-1,132.37, Revised Statutes Supplement, 1974, relating to nursing; to provide definitions; to provide membership of the Board of Nursing; to provide qualifications of board members; to provide duties of the board; to provide requirements for registered and practical nurse licensure; to provide licensure procedures; to provide for license revocation; to create a cash fund; to provide penalties; and to repeal the original sections, and also sections 71-1,132.10, 71-1,132.17, 71-1,132.38 to 71-1,132.40, and 71-1,132.42, Reissue Revised Statutes of Nebraska, 1943.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 71-1,132.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,132.04. In the interest of health and morals and the safeguarding of life, any person practicing or offering to practice professional nursing in this state for compensation or profit gratuitously, except as provided in section 71-1,132.06, shall hereafter be required to submit satisfactory evidence as provided by sections 71-1,132.04 to ~~71-1,132.36~~ 71-1,132.09, 71-1,132.11 to 71-1,132.16, and 71-1,132.18 to 71-1,132.37, that he ~~or--she~~ is qualified to so practice and is licensed as provided by sections 71-1,132.04 to ~~71-1,132.36~~ 71-1,132.09, 71-1,132.11 to 71-1,132.16, and 71-1,132.18 to 71-1,132.37. ~~After December 31, 1953, it~~ It shall be unlawful, except as provided in section 71-1,132.06, for any person to practice or offer to practice professional or practical nursing in this state, or to use any title, abbreviation, card, or device to indicate that such a person is practicing professional or practical nursing unless such person has been duly licensed and registered according to the provisions of sections 71-1,132.04 to ~~71-1,132.36~~ 71-1,132.09, 71-1,132.11 to 71-1,132.16, and 71-1,132.18

to 71-1,132.37.

Sec. 2. That section 71-1,132.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,132.05. As used in sections 71-1,132.04 to ~~71-1,132.42~~ 71-1,132.09, 71-1,132.11 to 71-1,132.16, ~~71-1,132.18 to 71-1,132.37, and 71-1,132.41~~, unless the context otherwise requires:

(1) Executive director shall mean the executive director of the Board of Nursing;

(2) Board shall mean the Board of Nursing;

(3) ~~Practice of professional nursing shall mean the performance of any professional services requiring the application of principles of biological, physical, or social sciences and nursing skills in the care of the sick, in the prevention of disease, or in the conservation of health; and The practice of nursing shall mean the performance for compensation or gratuitously of any act expressing judgment or skill based upon a systematized body of nursing knowledge. Such acts shall include the identification of and intervention in actual or potential health problems of individuals or groups. These acts are directed toward maintaining health status, preventing illness, injury or infirmity, improving health status, providing care supportive to or restorative of life and well-being through nursing assessment and through the execution of nursing care, and through the execution of diagnostic or therapeutic regimens of duly licensed practitioners authorized to so order such regimens under the provisions of sections 71-173, 71-183, 71-1,102, and 71-1,137;~~

(4) ~~Practice of practical nursing shall mean the performance of services and nursing skills in the care of the sick, in the prevention of disease, or in the conservation of health, not involving the specialized education, knowledge, and skill required in professional nursing. The practice of nursing by a registered nurse shall mean assuming responsibility and accountability for those nursing actions which include but are not limited to:~~

~~(a) Identifying human responses to actual or potential health conditions;~~

~~(b) Deriving a nursing diagnosis which identifies the needs of an individual, family, or group;~~

(c) Executing a nursing treatment regimen through the selection, performance, and management of proper nursing practices;

(d) Teaching health care practices;

(e) Advocating the provision of health care services through collaboration with other health service personnel;

(f) Executing diagnostic and therapeutic regimens prescribed by duly licensed practitioners authorized to so order such regimens under the provisions of sections 71-173, 71-183, 71-1,102, and 71-1,137;

(g) Administering, supervising, delegating and evaluating nursing activities;

(h) Performing the act required by subdivision (4) (g) of this section and such additional acts as are recognized by the nursing and medical professions as appropriate to be performed by the registered nurse. Such acts shall be authorized under rules and regulations promulgated by the Board of Nursing and Board of Examiners in Medicine and Surgery and implemented by the Board of Nursing as provided for in section 71-1,132.11 and

(5) The practice of nursing by a licensed practical nurse shall mean the assumption of responsibilities and the performing of acts, within the educational background of the practical nurse, under the direction of a licensed physician, dentist, osteopath, podiatrist, or registered nurse. These acts include:

(a) Application of nursing techniques and procedures in the observation, teaching and caring for the ill, injured and infirm; and

(b) Promoting community health.

Sec. 3. That section 71-1,132.06, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,132.06. Sections 71-1,132.04 to ~~74-4,432.36~~ and ~~sections 74-4,432.37 to 74-4,432.42~~ 71-1,132.09, 71-1,132.11 to 71-1,132.16, 71-1,132.18 to 71-1,132.37, and 71-1,132.41, confer no authority to practice medicine or surgery nor do they prohibit:

(1) Service provided by practical nurses or home Home care of the sick provided by friends, domestic

servants, nurse maids, or household aides of any type, so long as such persons do not represent or hold themselves out to be licensed nurses, licensed practical nurses, licensed registered nurses, or registered nurses, or use any designation in connection with their names which tend to imply that they are licensed to practice under the provisions of sections 71-1,132.04 to 71-1,132.36 71-1,132.09, 71-1,132.11 to 71-1,132.16, and 71-1,132.18 to 71-1,132.37;

(2) Gratuitous nursing, with or without compensation or personal profit, when done in connection with the practice of the religious tenets of any church by adherents thereof;

(3) Auxiliary services provided by persons carrying out duties necessary for the support of nursing service ~~including--those--duties--which--involve--minor nursing-services-for-persons-performed--in--hospitals--or elsewhere~~ under the direction of a licensed physician, dentist, osteopath, podiatrist, or a nurse licensed under the provisions of this act; or the supervision of licensed registered nurses;

(4) Gratuitous nursing service performed by anyone in case of an emergency;

(5) Nursing by any legally licensed nurse of any other state whose engagement requires him or her to accompany and care for a patient temporarily residing in this state during the period of one such engagement not to exceed six months in length providing such person does not represent or hold himself or herself out as a nurse licensed to practice in this state;

(6) Nursing services rendered by a student enrolled in an approved school of nursing when these services are a part of course of study;

(7) Nursing services rendered by a graduate of an approved school of nursing in Nebraska or any other state, pending the results of the first licensing examination scheduled by the board following such graduation;

(8) Nursing services rendered by a person who holds a current license or other evidence of the right to practice professional or practical nursing, as ~~that--term is those terms are~~ defined in ~~sections--71-1,132.04--to 71-1,132.36~~ section 71-1,132.05, issued by any other state, territory, or province of the United States or  ~~Dominion-of-Canada~~ during the period that an application filed by such person for licensure in Nebraska is pending

before the board; or

(9) The practice of professional or practical nursing by any legally licensed nurse of another state who is employed by the United States government or any bureau, division, or agency thereof while in the discharge of his or her official duties or, if permitted by federal law, as a citizen of a foreign country temporarily residing in Nebraska for a period not to exceed one year for the purpose of post graduate study and experience, certified to be such by ~~the--American Nurses--Association--or--other~~ an appropriate agency satisfactory to the board.

Sec. 4. That section 71-1,132.07, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,132.07. There is hereby established a board, to be known as the Board of Nursing, which shall consist of ~~four--professional seven registered~~ nurse members, ~~two practical nurse members, and one nonvoting consumer member, all of whom shall be and--one--practical~~ nurse-member appointed by the Governor. ~~Provided; that the~~ The present members of the board shall serve as members of said board until the expiration of their respective terms or until their successors have been appointed. The registered nurses on the board shall be from the following areas: (a) One practical nurse educator; (b) one associate degree nurse educator; (c) one diploma nurse educator; (d) one baccalaureate nurse educator; (e) two nursing service administrators, and (f) one staff nurse. All congressional districts shall be equally represented by the voting members on the board, and each member shall have been a bona fide resident of the congressional district from which he is appointed for a period of at least one year prior to the time of the appointment of such member. The initial term of office for members of the board shall be ~~four--years: as follows: (a) One registered nurse shall be appointed for one year; (b) one registered nurse shall be appointed for two years; (c) two registered nurses shall be appointed for four years; (d) one licensed practical nurse shall be appointed for two years; and (e) one licensed practical nurse shall be appointed for four years.~~ On expiration of the terms of the initial board members, the term of all board members shall be four years. On November 1, 1975 and thereafter at the expiration of the term of any member, the Nebraska Nurses ~~Association--or--the--Licensed Practical--Nurse--Association--of--Nebraska;~~ as the case--may be, shall submit to the Governor a list of three--members qualified--to--serve. Governor may consult with appropriate professional nursing organizations regarding

candidates for appointment. Appointments shall be made from this list on or before December 1 of each year. One professional nurse member shall be appointed each year. Vacancies occurring on the board shall be filled for the unexpired terms by appointments made by the Governor, from nominations submitted by the Nebraska State Nurses' Association or the Practical Nurse Association of Nebraska, as the case may be. No individual shall serve more than two consecutive terms on the board. The board shall be furnished suitable space in the capitol building. The Governor may remove any member from the board as provided in Article IV, section 12, of the Constitution of the State of Nebraska.

Sec. 5. That section 71-1,132.08, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,132.08. Each professional nurse member of the board shall be a citizen of the United States; be a resident of this state; have completed at least an approved four-year high school course of study; have graduated from an accredited school of nursing; have graduated from a recognized college; be licensed as a registered nurse in this state; and have had at least five years' successful experience since graduation in any one or any combination of the following fields: Administration in schools of nursing; teaching in schools of nursing; public health nursing in an agency affiliated with a school of nursing; and shall have been actively engaged in nursing for at least three years immediately preceding appointment. (1) Each licensed practical nurse educator shall be a registered nurse currently licensed in the state; have graduated with a baccalaureate degree in nursing or a related field of study; have had a minimum of three years' experience in administration, teaching, or consultation in practical nurse education; and shall be currently employed as a practical nurse educator.

(2) Each associate degree nurse educator, diploma nurse educator, and baccalaureate nurse educator shall be a registered nurse currently licensed in the state; have graduated with a masters degree in nursing or a related field of study; have had a minimum of five years' experience in administration, teaching, or consultation in nursing education; and be currently employed in the field being represented.

(3) Each staff nurse shall be a registered nurse currently licensed in the state; have had a minimum of five years' experience in nursing; and be currently employed as a staff nurse.

(4) Each nursing service administrator shall be a registered nurse currently licensed in the state; have had a minimum of five years' experience in nursing service administration; and be currently employed in such field.

(5) Each licensed practical nurse member of the board shall be a citizen of the United States; be a resident of this state; have completed at least four years of high school study; be licensed as a licensed practical nurse in this state; have obtained a certificate from a state-approved practical nursing program; and shall have been actively engaged in practical nursing for at least three five years; immediately preceding appointment and be currently employed as a licensed practical nurse in the state. The practical nurse member of the board shall serve as a member of the board only in matters involving the licensure of practical nurses;

(6) The nonvoting consumer advisor shall not have been involved in providing health care services in this state for at least three years prior to his appointment; shall be of voting age; and shall be a resident of the state.

Sec. 6. That section 71-1,132.11, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,132.11. The board is authorized to adopt and, from time to time, revise such rules and regulations consistent with the provisions of sections 71-1,132.04 to 74-4,432-42 71-1,132.09, 71-1,132.11 to 71-1,132.16, 71-1,132.18 to 71-1,132.37, and 71-1,132.41 as may be necessary to carry into effect the provisions thereof. All such rules and regulations shall be published and distributed. All fees not specified by law shall be approved by the Attorney General. The board shall:

(1) Prescribe minimum curriculum and standards for programs of nursing education preparing nurses for licensure under the provisions of sections 74-4,432-04 to 74-4,432-42; Establish minimum standards to be met by educational programs conducted pursuant to sections 71-1,132.24 to 71-1,132.28;

(2) Develop standards in cooperation with schools of nursing to be used in the evaluation and approval of such schools;

(3) Review the standards at least every four years or more frequently as deemed necessary;

(4) (2) Establish rules, regulations and procedures for approving, and classifying and-accrediting schools of practical and professional nursing taking into consideration the administrative and organizational pattern of the school, the philosophy, the curriculum and program of studies, the number and selection of students, the student personnel services including housing, the guidance and health services, the number and preparation of faculty in relation to the curriculum and enrollments, the instructional materials and equipment, the instructional facilities including clinical resources and library facilities and materials, and the health and safety factors in residence halls, education buildings and clinical facilities;

(5) (3) Provide ~~for surveys of such--programs--at such-time-as-it-may-deem~~ for each program at least every four years or more frequently as deemed necessary;

(6) (4)-~~Accredit~~ Approve such programs as meet the requirements of the provisions of sections 71-1,132.04 to 74-4,432.42 ~~71-1,132.09, 71-1,132.11 to 71-1,132.16, 71-1,132.18 to 71-1,132.37, and 71-1,132.41~~ and of the board;

(7) (5) Evaluate and approve courses for affiliation offered by cooperating agencies;

(8) (6) Examine, license, and renew the license of duly qualified applicants;

(9) (7) Conduct hearings upon charges of suspension or revocation of a license;

(10) (8) Have power to issue subpoenas and compel the attendance of witnesses and administer oaths to persons giving testimony at hearings;

(11) (9) Cause the prosecution of all persons violating the provisions of sections 71-1,132.04 to 74-4,432.42 ~~71-1,132.09, 71-1,132.11 to 71-1,132.16, 71-1,132.18 to 71-1,132.37, and 71-1,132.41~~ and have power to incur the necessary expense therefor; and

(12) (10) Keep a record of all its proceedings and make an annual report to the Governor; ;

(13) Approve the clinical facilities used by each school;

(14) Develop rules, regulations, and mandatory educational review courses governing the return to practice of any nurse who has not engaged in the active



practice of nursing on a regular and systematic basis for five years or longer;

(15) Develop rules and regulations in cooperation with the Board of Examiners in Medicine and Surgery governing the expanding role of the professional nurse, and implement such rules and regulations. Such rules and regulations shall provide for the kind of functions the nurse would be able to perform, under what circumstances such function would be performed, and the necessary educational and clinical preparation needed to do so; and

(16) Establish fees at a level sufficient to provide for all expenses and salaries of the board.

~~The board shall appoint a qualified person to serve as executive director to the board, and shall fix his compensation and define his duties. Such executive director shall not be a member of the board. It shall employ such other persons as may be necessary to carry on the work of the board. The executive director shall meet all the academic and professional qualifications for board members and shall have had at least two years of experience in nursing school administration or teaching preceding the time of his appointment. The board shall appoint an executive director who shall be a registered nurse currently licensed in this state and who has graduated with a masters degree in nursing or a related field of study. The executive director shall have a minimum of five years' experience within the last ten years in the areas of administration, teaching, or consultation in the field of nurse education. The salary of the director shall be fixed by the Board of Nursing and be competitive with salaries of nursing education positions which require similar education and experience. The director shall not be a member of the board. The director shall furnish bond, in the penal sum of five thousand dollars, running to the State of Nebraska, conditioned upon the faithful performance of his duties.~~

Sec. 7. That section 71-1,132.12, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,132.12. Each appointed member of the board shall receive, in addition to necessary traveling, hotel, and other necessary expenses, ~~fifteen~~ twenty-five dollars per day for each day such person is actually engaged in the discharge of his official duties.

Sec. 8. That section 71-1,132.13, Revised Statutes Supplement, 1974, be amended to read as follows:

71-1,132.13. An applicant for a license to practice as a registered professional nurse shall file with the board a written application for a license and submit satisfactory proof that the applicant: (1) Is of good moral character; (2) has completed four years of high school study or its equivalent as determined by the board; and (3) has completed the basic professional curriculum in an accredited school of professional nursing approved by the board and holds a diploma therefrom. Such application shall be made upon a form prescribed and approved by the board, verified by the applicant's oath, and accompanied by an application fee ~~of twenty-five dollars as set by the board.~~

Sec. 9. That section 71-1,132.14, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,132.14. The applicant shall be required to pass a written examination in such subjects as the board may determine. ~~The board shall give public notice of the time and place of all examinations required by this act. The notice shall be given in the manner selected by the board. Such notice shall be given not later than thirty days prior to the date of examination. Notice of said examination of nurses shall be published at least thirty days prior to the date of examination in the official nurse publication.~~ Upon passing such examination, the board shall issue to the applicant a license to practice nursing as a registered nurse or as a licensed practical nurse.

Sec. 10. That section 71-1,132.15, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,132.15. The board may issue a license to practice nursing as a registered or as a licensed practical nurse without examination to an applicant who has been duly licensed as a registered nurse or a licensed practical nurse under the laws of another state or territory, if in the opinion of the board the applicant meets the qualifications required of registered nurses or licensed practical nurses in this state.

Sec. 11. That section 71-1,132.16, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,132.16. ~~A temporary license to practice for one year may be granted at the discretion of the board to nurses who are licensed in and citizens of other countries, if in the opinion of the board the applicant~~

meets the qualifications required of registered nurses in this state. A temporary permit to practice professional or practical nursing for a period not exceeding one year may be issued to (a) an individual seeking to reapply for a license which has been suspended or refused by reason of the fact that such individual has not practiced nursing for a period of five years, or (b) graduates of approved professional and practical schools of nursing in this state and graduates of nursing programs approved by other states which meet the requirements of the Board of Nursing. Such permit may be issued upon application by the graduate for the first licensing examination following his graduation, and shall be valid pending results of such examination. Any temporary permit issued pursuant to this section shall be issued for a period not exceeding one year and under such conditions as the board may determine. The permit may be extended at the discretion of the board. Nurses currently licensed in another state as either a registered or practical nurse, who have graduated from an educational program approved by the Board of Nursing, may be granted the temporary permit provided by this section pending completion of application for Nebraska licensure.

Sec. 12. That section 71-1,132.20, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,132.20. (1) The license of every person, licensed under the provisions of sections 71-1,132.04 to ~~71-1,132.36~~ and ~~sections 71-1,132.37 to 71-1,132.42~~, ~~71-1,132.09, 71-1,132.11 to 71-1,132.16, 71-1,132.18 to 71-1,132.37, and 71-1,132.41~~, shall be renewed each year, except as provided by the provisions of such sections. ~~71-1,132.04 to 71-1,132.36.~~ On or before November 1 of each year, the board shall mail an application for renewal of license to every person to whom a license was issued or renewed during the current year. The applicant shall fill in the application blank and return it to the board with a renewal fee established by the board of two dollars on or before January 1 following the mailing of such notice. Upon receipt of the application and fee, the board shall verify the accuracy of the application and issue to the applicant a certificate of renewal for the year beginning January 1 following the mailing of such notice and expiring December 31. Such certificate of renewal shall render the holder thereof a legal practitioner of nursing for the period stated on the certificate of renewal. Any licensee who fails to pay the renewal fee ~~of two dollars~~ on or before January 1 shall have his license suspended; ~~Provided, any licensee who allows his license to lapse by failing to renew the same as herein provided, may be reinstated by the board~~

~~upon payment of the renewal fee then due, together with an additional reinstatement fee of five dollars; placed in an inactive status unless he wishes to withdraw from the practice of nursing and so informs the board of such desire. An inactive license shall be returned to active status by the board upon completion of the requirements of this section, and payment of the renewal fee then due, together with an additional reinstatement fee of five dollars. A fee of five dollars to be determined by the Board of Nursing shall be charged to any licensed nurse for the issuance of a certification of credentials to another state, and to any educational institution or agency located outside of the State of Nebraska. After January 1, 1980, the board shall require, in the interest of public health, safety, and welfare of the people of this state, that applicants who have not practiced nursing on a regular and systematic basis for a period of five or more years, complete a review study of courses to be determined by the board in accordance with the provisions of section 6 of this act, and satisfactorily demonstrate their ability to practice nursing by such means as may be determined by the Board of Nursing; Provided, such means shall be on the basis of uniform criteria and standards established by rules and regulations promulgated by the Board of Nursing.~~

Sec. 13. That section 71-1,132.27, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,132.27. Annually At least every four years, or as deemed necessary by the board, it shall be the duty of the board, through its executive director or other representative appointed by the board, to survey all schools of nursing in the state. Written reports of such surveys shall be submitted to the board.

Sec. 14. That section 71-1,132.29, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,132.29. The board shall have power to deny, revoke, or suspend any license to practice nursing issued by the board or applied for in accordance with the provisions of sections 71-1,132.04 to ~~71-1,132.36~~ 71-1,132.09, 71-1,132.11 to 71-1,132.16, and 71-1,132.18 to ~~71-1,132.37,~~ or to otherwise discipline a licensee upon proof that the person (1) is guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing; (2) ~~is guilty of crime or gross~~ immorality; (3) ~~is unfit or incompetent by reason of~~ negligence, habits, or other causes; (4) ~~is habitually~~ intemperate or is addicted to the use of habit-forming

drugs; (5) is mentally incompetent; (6) is guilty of unprofessional conduct; or (7) has willfully or repeatedly violated any of the provisions of sections 71-1,132.04 to 71-1,132.36: (2) is convicted of a felony or of any offense involving moral turpitude; (3) utilizes drugs or alcohol to the extent that such usage interferes with the individual's performance of nursing functions; (4) attempts to practice nursing while afflicted with physical or mental illness, deterioration, or disability to the extent that such affliction interferes with the individual's performance of nursing functions; (5) is guilty of unprofessional conduct or negligence to the extent that the individual's performance as a nurse is affected; or (6) has willfully or repeatedly violated any sections of this act.

Sec. 15. That section 71-1,132.30, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,132.30. Upon filing of a sworn written complaint with the board, charging a person with having been guilty of any of the actions specified in section 71-1,132.29, as a ground for disciplinary action, or as a result of independent investigation by the board, or the executive director with the approval of the board, the executive director of the board shall fix a time and place for a hearing and shall cause a copy of the charges, together with a notice of the time and place fixed for the hearing, to be served on the accused at least ten days prior thereto by personal service or registered or certified mail.

Sec. 16. That section 71-1,132.35, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,132.35. Except as otherwise herein provided, it shall be unlawful for any person, association, copartnership, corporation, or institution to:

(1) Sell or fraudulently obtain or fraudulently furnish any nursing diploma, license, record, or registration or aid or abet therein;

(2) Practice professional or practical nursing, as defined by sections 71-1,132.04 to 71-1,132.36 section 71-1,132.05, under cover of any diploma, license, record, or registration illegally or fraudulently obtained or signed unlawfully or under fraudulent representation;

(3) Practice professional or practical nursing as defined by ~~sections 71-1,132.04 to 71-1,132.36~~ section 71-1,132.05 unless duly licensed to do so under the provisions of sections 71-1,132.04 to ~~71-1,132.36~~ 71-1,132.09, 71-1,132.11 to 71-1,132.16, and 71-1,132.18 to 71-1,132.37;

(4) Use in connection with his name any designation tending to imply that he is a registered nurse or a licensed practical nurse unless duly licensed so to practice under the provisions of sections 71-1,132.04 to ~~71-1,132.36~~ 71-1,132.09, 71-1,132.11 to 71-1,132.16, and 71-1,132.18 to 71-1,132.37;

(5) Practice professional or practical nursing during the time his license issued under the provisions of sections 71-1,132.04 to ~~71-1,132.36~~ 71-1,132.09, 71-1,132.11 to 71-1,132.16, and 71-1,132.18 to 71-1,132.37 shall be suspended or revoked;

(6) Conduct a school of professional or practical nursing unless the school has been accredited approved by the board; or

(7) Otherwise violate any of the provisions of sections 71-1,132.04 to ~~71-1,132.36~~ 71-1,132.09, 71-1,132.11 to 71-1,132.16, and 71-1,132.18 to 71-1,132.37.

Sec. 17. That section 71-1,132.37, Revised Statutes Supplement, 1974, be amended to read as follows:

71-1,132.37. An applicant for a license to practice as a licensed practical nurse shall file with the board a written application for a license, pay the fee as set by the board, and submit satisfactory proof that the applicant:

- (1) Is eighteen years of age or more;
- (2) Is of good moral character;

(3) ~~Has Commencing July 1, 1976, has completed two four~~ years of high school study or its equivalent as determined by the board; ~~and but exceptions shall be made for individuals who are over forty years of age and who have completed eight grades of elementary school; and~~

(4) Has completed the basic curriculum in an accredited school of practical nursing approved by the board and holds a diploma therefrom; ~~Provided, that for a period of one year from September 18, 1955, an applicant who is otherwise qualified may be licensed who~~

~~has had a minimum course of one year in practical nursing which meets the standards laid down by the board, or has successfully completed an extension course in practical nursing which has been approved by the board, together with a minimum of three years of generalized practical nursing experience in a home, hospital, or health agency, under the supervision of a duly licensed physician or registered professional nurse;~~

Sec. 18. There is hereby created a fund to be known as the Nurses' Licensing Cash Fund, and from which shall be appropriated such amounts as are available therefrom and as shall be considered incident to the administration of the Board of Nursing. The fund shall contain all fees and money collected by the board under the provisions of this act, which shall be paid into the state treasury and the State Treasurer shall credit the money to the Nurses' Licensing Cash Fund.

Sec. 19. The provisions of Chapter 84, article 9, shall apply to administrative proceedings required by this act.

Sec. 20. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 21. That original sections 71-1,132.04 to 71-1,132.08, 71-1,132.11, 71-1,132.12, 71-1,132.14 to 71-1,132.16, 71-1,132.20, 71-1,132.27, 71-1,132.29, 71-1,132.30, and 71-1,132.35, Reissue Revised Statutes of Nebraska, 1943, and sections 71-1,132.13 and 71-1,132.37, Revised Statutes Supplement, 1974, and also sections 71-1,132.10, 71-1,132.17, 71-1,132.38 to 71-1,132.40, and 71-1,132.42, Reissue Revised Statutes of Nebraska, 1943, are repealed.